

12-13-04

Attorney's Docket No.: 17084-018001/416

1636  
2/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gary De Jong, *et al.*  
Serial No. : 09/815,979  
Filed : March 22, 2001  
Cust. No. : 20985  
Title : METHODS FOR DELIVERING NUCLEIC ACID MOLECULES INTO CELLS  
AND ASSESSMENT THEREOF

Art Unit : 1636  
Examiner : Daniel M. Sullivan  
Conf. No. : 7635

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, cited references, and PTO-Form 1449 (1 page) for filing in connection with the above-captioned application. Because this Supplemental Information Disclosure Statement is filed after receipt of a first Office Action on the merits for the above-captioned application, but before a Final Office Action or Notice of Allowance in the above-captioned application, a fee for filing this statement is included herewith. However, should said fee be either missing or incorrect, the Commissioner is authorized to charge Deposit Account No. 06-1050, for the appropriate fee as stated below:



The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

\_\_\_\_\_  
Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17084-018001/416

**Address all correspondence to:**

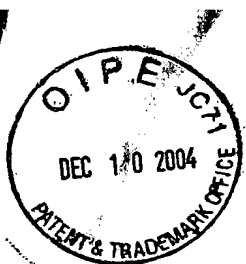
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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"Express Mail" Mailing Label Number EV 399318705 US  
Date of Deposit Dec. 10, 2004

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

\_\_\_\_\_  
Stephanie L. Seidman



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN**  
**ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98**

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed after the receipt of a first Office Action on the merits for the above-captioned application, a check for the filing fee of \$180.00 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and copies of the cited non-U.S. Patent documents are provided herewith.

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180.00 DP

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Stephanie L. Seidman

The documents cited on the Form PTO-1449 are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

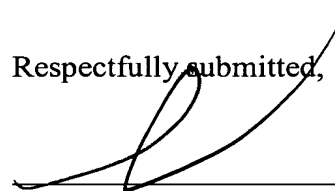
Further to the previous Supplemental Information Disclosure Statement filed on June 21, 2004, applicant also makes known to the Examiner the following U.S. Applications that have one or more common inventors and/or are commonly owned.

| <u>U.S.S.N.</u> | <u>Filing Date</u> | <u>Docket No.</u>   |
|-----------------|--------------------|---------------------|
| 10/976,394      | 10/29/04           | 17084-018005 (416E) |
| AWAITING        | 12/06/04           | 17084-022002 (420B) |

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,



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Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17084-018001/416

**Address all correspondence to:**

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|--|--|---|-------------------------------|
| Substitute Form PTO-1449<br>(Modified)<br><br><b>List of Patents and Publications for Applicant's<br/>         Information Disclosure Statement</b><br><br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney's Docket No.<br>17084-018001/416 | Application No.<br>09/815,979 |
|  | Applicant<br>Gary De Jong, et al.                          |   |                               |
|  | Filing Date<br>March 22, 2001                              | Group Art Unit<br>1636                    |                               |

**U.S. Patent Documents**

| Examiner Initial | Desig. ID | Document Number | Publication Date | Patentee | Class | Subclass | Filing Date If Appropriate |
|------------------|-----------|-----------------|------------------|----------|-------|----------|----------------------------|
|                  | AA        | NONE            |                  |          |       |          |                            |
|                  | AB        |                 |                  |          |       |          |                            |

**Foreign Patent Documents or Published Foreign Patent Applications**

| Examiner Initial | Desig. ID | Document Number | Publication Date | Country or Patent Office | Class | Subclass | Translation |    |
|------------------|-----------|-----------------|------------------|--------------------------|-------|----------|-------------|----|
|                  |           |                 |                  |                          |       |          | Yes         | No |
|                  | AC        | 99/54445        | 10/28/99         | PCT                      |       |          |             |    |
|                  | AD        |                 |                  |                          |       |          |             |    |
|                  | AE        |                 |                  |                          |       |          |             |    |
|                  | AF        |                 |                  |                          |       |          |             |    |
|                  | AG        |                 |                  |                          |       |          |             |    |

**Other Documents (include Author, Title, Date, and Place of Publication)**

| Examiner Initial | Desig. ID | Document  |
|------------------|-----------|---|
|                  | AH        | Lee and Jaenisch, "A method for high efficiency YAC lipofection into murine embryonic stem cells", Nucleic Acids Res. 24(24):5054-5055 (1996)   |
|                  | AI        | Monteith DP, Leung JD, Borowski AH, Co DO, Praznovszky T, Jirik FR, Hadlaczky G, Perez CF, "Pronuclear microinjection of purified artificial chromosomes for generation of transgenic mice: pick-and-inject technique," Method Mol. Biol. 240:227-42 (2004) |
|                  | AJ        | Perez, CF, Vanderbyl SL, Mills KA, Ledebur HC, "The ACE System: A versatile chromosome engineering technology with applications for gene-based cell therapy", BioProcessing 2004; 3:61-68.  |
|                  | AK        | Rech et al., "Introduction of a yeast artificial chromosome vector into Saccharomyces cerevisiae cells by electroporation", Nucleic Acids Res. 18(5):1313 (1990)  |
|                  | AL        | Tseng et al., "Mitosis enhances transgene expression of plasmid delivered by cationic liposomes", Biochemica et Biophysica Acta 1445:53-64 (1999)   |
|                  | AM        | Vanderbyl S, MacDonald GN, Sidhu S, Gung L, Telenius A, Perez C, Perkins E, "Transfer and stable transgene expression of a mammalian artificial chromosome into bone marrow-derived human mesenchymal stem cells", Stem Cells 22(3):324-33 (2004)           |
|                  | AN        |   |
|                  | AO        |   |
|                  | AP        |   |
|                  | AQ        |   |
|                  | AR        |   |

|   |                 |
|---|-----------------|
| Examiner Signature  | Date Considered |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |